

Committee on Ways and Means

HOW LABOR AND ENVIRONMENT PROVISIONS ARE INCLUDED IN BIPARTISAN TRADE PROMOTION AUTHORITY CONFERENCE AGREEMENT

- Overall negotiating objectives:
 - promote respect for worker rights and the rights of children consistent with ILO core labor standards;
 - promote universal ratification and full compliance with ILO Declaration on Worst Forms of Child Labor
 - ensure trade and environment are mutually supportive and seek to protect and preserve the environment and enhance the international means of doing so, while optimizing the use of the world's resources
- Principal trade objective on labor and environment provisions:
 - ensure that party to the agreement does not fail to effectively enforce its labor and environmental laws, through a sustained or recurring course of action or inaction, recognizing a government retains certain discretion;
 - strengthen capacity to promote respect for core labor standards and to protect the environment;
 - reduce or eliminate government practices or policies that unduly threaten sustainable development; and
 - seek market access for U.S. environmental technologies, goods, and services
- Principal negotiating objective on enforcement giving labor and environment disputes covered by the agreement parity with other issues in the trade agreement:
 - seek effective and timely resolution of disputes;
 - seek provision of compensation
 - seek appropriate penalties to the situation with the aim of not adversely affecting interests not party to the dispute while maintaining the effectiveness of the enforcement mechanism; and
 - seek enforcement that treats all U.S. principal negotiating objectives equally with respect to ability to use dispute settlement, availability of equivalent procedures, and availability of equivalent remedies
- Principal negotiating objective to seek commitments by trade agreement parties to vigorously enforce their own laws regarding the worst forms of child labor
- Sets forth other priorities for the President to address with respect to labor and environment issues:
 - seek greater cooperation between WTO and the ILO;
 - seek to establish consultative mechanisms among parties to trade agreements to strengthen the capacity of U.S. trading partners to promote respect for core labor standards;
 - seek to establish consultative mechanisms among parties to trade agreements to strengthen the capacity of U.S. trading partners to develop and implement standards for environment and human health based on sound science;
 - conduct environmental reviews of future trade and investment agreements, consistent with Executive Order 13141 and its relevant guidelines;
 - review the impact of future trade agreements on U.S. employment, including on labor markets, modeled after Executive Order 13141, and to make the report public; and
 - continue to promote consideration of Multilateral Environmental Agreements and consult with parties to such agreements regarding the consistency of any MEA that includes trade measures with existing environmental exceptions under GATT Article XX
- Requires a meaningful labor report for each country with which U.S. seeks negotiation
- Requires that the Secretary of Labor consult with parties seeking agreements with the United States and provide technical assistance to those countries
- Adds the worst forms of child labor as a criterion for benefits under the Generalized System of Preferences